

Appl. No. 10/099,621  
Amdt. Dated July 12, 2004  
Reply to Office Action of May 27, 2004

### **Remarks**

#### **Double Patenting Rejection**

Claims 1, 4, 6, 10, 13, 15 and 19 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 12 of U.S. Patent No. 6,512,878 in view of U.S. Patent No. 6,293,710 to Lampert et al. and in further view of U.S. Patent No. 5,245,683 to Belenkiy et al.

Examiner states that Belenkiy et al. teaches an optical connector which employs the use of a U-clip 38 in order to retain a spring 32 (Column 3, lines 60-62 and Figure 2). Thus, Examiner states that it would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the U-clip 38 of Belenkiy et al. in order to properly secure an internal spring to a biasing element used in the '878 patent.

Applicant advises that he has amended claims 6 and 15 in respect of an obvious dependency error and other minor changes only. No new matter is introduced, and the substance of the claimed subject matter remains unchanged. The rejection of claims 6 and 15 is equally applicable to the claims as now amended.

Applicant traverses Examiner's reasoning as follows:

Claim 1 of the present invention is substantially different to claim 12 of the '878 patent. Claim 1 of the present invention recites that a biasing element is arranged between a stationary housing and a ferrule holder to urge the ferrule holder forwardly, and that a discrete clip is inserted into the stationary housing to abut against a rear end of the biasing element. Referring to FIGS. 2 and 4 of the present application, a U-clip 101 is inserted into a stopping slot 203 and is fitting around the ferrule holder 60. A helical spring 2 is disposed between an enlarged front end of the ferrule holder 60 and the U-clip 101.

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In the '878 patent, a helical spring 70 is arranged between a rod 60 and a body 20 for biasing the rod 60. One end of the helical spring 70 is abutted against a shoulder 603 of the rod 60, and the other end is abutted against an inner flange 202 of the body 20. Either the shoulder 603 or the inner flange 202 is a fixed surface. Referring back to the present invention, as an inserted element, the U-clip 101 is fixed relative to the stationary housing 20. The U-clip 101 provides a surface which is necessary to retain the helical spring 2. However, the '878 patent is quite different from this kind of arrangement. No matter which end of the helical spring 70 the U-clip of Belenkiy et al. is assembled beside, the U-clip cannot secure the helical spring 70 any further, because the helical spring 70 has already been arranged securely. Accordingly, it would not have been obvious to combine the references in the manner indicated by Examiner.

In summary, a person of ordinary skill in the art could not have derived a variable attenuator assembly of the present invention from a consideration of the '878 patent in view of Belenkiy et al. and Lampert et al. Thus, claim 1 is submitted to be patentable, and withdrawal of the double patent rejection and allowance of the claim are respectfully requested.

Claims 2, 3, 4, 6, 7, 8 and 9 directly depend from independent claim 1. Therefore, allowance of claims 2, 3, 4, 6, 7, 8 and 9 is also respectfully requested.

Regarding claim 10, as asserted above, claim 12 of the '878 patent fails to claim a discrete clip inserted into the stationary housing. Although Belenkiy et al. teaches a U-shaped spring retaining means 38, it could not be used in the '878 device to properly secure the helical spring 70. However, the present invention provides a surface of the U-clip 101 abutting against one end of the helical spring 2. Applicant asserts that claim 10 is clearly different from and unobvious over the '878 patent in view of Belenkiy et al. and Lampert et al.

Claims 11, 12, 13, 15, 16, 17 and 18 directly depend from independent claim

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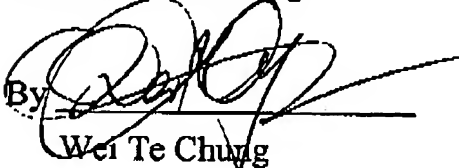
10. Therefore, allowance of claims 11, 12, 13, 15, 16, 17 and 18 is also respectfully requested.

For reasons similar to those discussed above, independent claim 19 is also submitted to patentable over the '878 patent in view of Belenkiy et al. and Lampert et al. Moreover, claim 19 defines the stationary housing (20) is of a one-piece integrally formed type (emphasis added), while in the '878 patent there are a front housing (10) and a rear housing (20) are fastened to each other via threads. Accordingly, claim 19 is believe to patentably distinguish over the cited references.

In view of the above claim amendments and remarks, the subject application is believed to be in a condition for allowance and an action to such effect is earnestly solicited.

Respectfully submitted,

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